IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Con.Case(C).No. 107 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.24830/2005
.....

PETITIONER/PETITIONER IN OP

A.GOPALAN, S/O.AYYAPPAN,
PART-TIME SWEEPER, CHADAYAMANGALAM GRAMA
PANCHAYAT OFFICE, CHADAYAMANGALAM (PO),
KOLLAM DISTRICT.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS: RESPONDENTS IN OP
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1. LALJI, AGED ABOUT 45 YEARS,
FATHER'S NAME NOT KNOWN TO THE PETITIONER,
(SECRETARY, CHADAYAMANGALAM GRAMA PANCHAYAT,
AT THE RELEVANT TIME), PRESENTLY WORKING AS
THE JUNIOR SUPERINTENDENT, MAYYANAD GRAMA
PANCHAYAT, KOLLAM DISTRICT.

2. GEETHA KUMARI, AGED ABOUT 43 YEARS,
FATHER'S OR HUSBAND'S NAME NOT KNOWN TO
THE PETITIONER, SECRETARY, CHADAYAMANGALAM
GRAMA PANCHAYAT, CHADAYAMANGALAM (PO),
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL-SC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

Contempt Case (Civil) No. 107 of 2007-S

Dated this the 29th day of June, 2007.

J U D G M E N T

The Writ Petition (Civil) No.24830 of 2005, filed by the petitioner was disposed of along with a batch of cases, by Annexure-I common judgment. It was ordered therein that the petitioners who continue in service as on today shall be allowed to continue, in terms of the directions in the judgment in W.A.No.1863 of 2004 and connected cases. The 4th respondent in the writ petition filed a review petition. But, that petition was dismissed by Annexure-II order. The petitioner submits, he was in service as on 9-9-2005 and he was terminated only on 1-10-2005. So, the direction issued in Annexure-I is violated. So, he prays for prosecuting the respondents, for violation of the directions of this Court.

2. The second respondent has filed a counter affidavit in which it is asserted that the petitioner was not in service on 9-9-2005. In support of that submission, reliance is placed on Ext. R(2) (a). The petitioner has filed a reply affidavit, reiterating that he was in service as on the said date. Having regard to the nature of the dispute raised in the writ petition, I think it is not expedient or proper to proceed further with this Contempt Case. The claim of the petitioner that he was in service on 9-9-2005 and he was terminated with effect from 1-10-2005 and so he is entitled to be reinstated in service

can be agitated in other appropriate proceedings.

Accordingly, the Contempt Case (Civil) is closed, without prejudice to the contentions of both sides.

K.BALAKRISHNAN NAIR,
JUDGE.

MS